

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

January 19, 2005

A regular meeting of the New Hampshire Board of Pharmacy was held on **January 19, 2005** at the Board office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 9:22 a.m.** with President Margaret E. Hayes presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Margaret E. Hayes, President
Kristina Genovese, Vice-President
George L. Bowersox, Treasurer
Sandra B. Keans, Secretary
Vahrij Manoukian, Member
*Ronald L. Petrin, Member

ALSO PRESENT

Paul G. Boisseau,
Executive Secretary
Peter A. Grasso,
Chief Compliance Investigator
Carl T. Kelly,
Compliance Investigator

Upon the motion of **Manoukian** and the second of **Genovese**, the Board, by roll call vote, resolved to conduct a non-public session for the purpose of discussing matters of law enforcement whereby divulgence of the information likely would render the proposed action ineffective and that such a non-public session is authorized by RSA 91-A:3, II(c); RSA 91-A:3, II(e); RSA 91-A:5, IV and the Board's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

In session: 8:35 AM

Out of session: 9:15 AM

No motions were made and no votes were taken during this session.

*At 9:22 AM, Commissioner Petrin recused himself and left for the day.

II. REVIEW OF ACTION ITEMS

A. **Medication Assistance Programs**

Pursuant to Commissioner Bowersox's preliminary report at the March 17, 2004

Board meeting (*see Minutes*), a comprehensive report of findings and proposed resolution (action guidelines) is still in process. The Board is currently reviewing Ohio's Drug Repository Program which allows for the donation of previously dispensed prescription drugs to locations that would use them for treating patients who were unable to pay. Staff is also in the process of contacting other state boards of pharmacy for input. **Survey will be finalized and an executive summary prepared for distribution to the Board.**

B. National Women's Law Center

Pursuant to an advisory from the Attorney General's Office, the Board will refrain from issuing a position statement, as requested by the National Women's Law Center, relative to conditions under which a pharmacist can refuse to fill a valid prescription. In lieu, an explanatory letter, citing the reason(s) why the Board is not able to provide a position statement at this time will be sent to the NWLC.

Motion (Bowersox/Manoukian). Voted (passed – Commissioner Keans opposed).

III. REVIEW / ADOPTION OF MINUTES

Minutes of the **December 8, 2004 regular meeting** of the Board were accepted as amended. **(Manoukian/Bowersox). Voted (unanimous).**

IV. LICENSING

A. Pharmacy

1. New

BROOKS PHARMACY #460

71 Lowell Road
Hudson, NH 03051

Pharmacist-In-Charge: **Eugene Belle, Jr., R.Ph.**
NH License No. R1818

Corporate Office/Supervisor: **Michael P. Viggiano, R.Ph.**
Pharmacy Field Supervisor

Application complete.

Motion (Keans/Bowersox) granting a temporary permit to Brooks Pharmacy #460 located at 71 Lowell Road, Hudson, NH based upon successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (passed – Commissioner Genovese recused).

2. Extension-Of-Time

NEW HAMPSHIRE VETERANS HOME

139 Winter Street
Tilton, NH 03276

Pharmacist-In-Charge: **Melanie C. Fifield, R.Ph.**

NH License No. 2527

Corporate Office/Supervisor: **Jamie L. Dall**

Business Administrator

Application reviewed and accepted by the Board on October 27, 2004.

Motion (Manoukian/Keans) to approve a request for a 60-day extension-of-time relative to the site inspection [according to Ph 305.02(a)] due to construction delays. Voted (unanimous).

3. Disciplinary

(a) **COLONIAL PHARMACY, INC.**

247 Newport Road
New London, NH 03257
NH Pharmacy Permit No. 0313
Docket No. 05-009

Randall W. Doerr, R.Ph., Pharmacist-In-Charge
Richard E. Fradette, Esquire, Counsel for Respondent

(b) **DIABETIC SUPPLIES INTERNATIONAL, INC.**

37 Blaisdell Hill Road
South Sutton, NH 03273
NH Wholesaler/Distributor Permit No. 3931
Docket No. 05-010

Emilio Cancio-Bello, DSI President
Richard E. Fradette, Esquire, Counsel for Respondent

Note: Both dockets were merged into a single hearing and the two proceedings have been joined by agreement of all parties. However, deliberation and adjudication for each Respondent will be separate.

Court reporting services were provided by Mr. Samuel S. Gray, CSR.

The hearing was commenced at approximately 10:00 AM and adjourned at 4:42 PM. Findings of fact and conclusions of law will be served on all parties following deliberations by the Board on February 2, 2005.

B. Pharmacist

1. Disciplinary

(a) SANTORO, Michael

Methuen, MA

NH License No. 3293

-Hearing Counsel's *Petition to Approve Settlement Agreement*

-Proposed *Settlement Agreement*

Continued to February 2, 2005 (special) meeting of the Board.

(b) CHOW, Albert

Somerville, MA

NH License No. 2829

-Notice of Massachusetts Board of Pharmacy Disciplinary Action

Continued to February 2, 2005 (special) meeting of the Board.

V. CONTINUING EDUCATION

The Board reviewed the following program evaluations and recommendations submitted by the Continuing Education Advisory Council:

1. Program No. 30-05-L001

"NH Board of Pharmacy Meetings"

Date: Monthly – 3rd Wednesday of Each Month (or as announced)

Location: BOP Office – Concord, NH

Submitted by: Paul G. Boisseau, R.Ph., Executive Secretary

Recommendation: Approve for 0.1 CEU's (1-Hour) per meeting. Maximum of 5-hours per year allowed. Members and staff of the BOP are not eligible.

Board Action: Concurrence. Motion (Manoukian/Keans). Voted (unanimous).

2. Program No. 30-05-L002
"NADDI Annual Conference"

Date: November 16-19,

Location: Nashville, TN

Submitted by: Peter A. Grasso, R.Ph., and Janet Nadeau-Leavitt, R.Ph.

Recommendation: Approve for 1.5 CEU's (15-Hours) – Didactic.

Board Action: Concurrence. Motion (Manoukian/Bowersox). Voted (unanimous).

VI. COMPLIANCE UNIT

A. Activity Report

- December 2004

Motion (Genovese/Bowersox) to accept the report as submitted. Voted (unanimous).

VII. NEW BUSINESS

A. Destruction of Controlled Drugs

NeighborCare

331 Commerce Way

Pembroke, NH 03275

Robert A. Howes, R.Ph., Pharmacist-In-Charge

Request for consideration of an alternative method for destroying discontinued controlled substances in LTC nursing facilities.

Continued to February 2, 2005 (special) meeting of the Board.

VIII. ADJOURNED 4:42 P.M.